

THE PATENT LAWS.

St. Catharines, March 5, 1856.

TO THE EDITOR OF THE JOURNAL:

In conversing with the Hon. Mr. Merritt a few days since on the bill introduced and somewhat discussed last session, embodying a general Patent Law for Canada as I understood it, he gave me a general idea of its different sections, one of which,—although supported by a majority of the members if I mistake not,—I believe to be detrimentally erroneous in principle for Canada. It provides that foreigners shall be taxed much more for a patent for inventions and improvements than our own subjects, thereby debaring the inhabitants of our own country in a great degree from the advantages to be derived from the same. Is not progress and improvement the motto of the nineteenth century throughout the world, and is it not for the interest of all countries to support by all honorable and consistent means every thing pertaining to the like? Then why pass laws which will prevent in a majority of cases the introduction of arts, inventions and improvements from other countries.

Are our law-makers more wise than those of the Home Government, who have remodeled and amended their Patent Laws in a manner which invites all nations to come in with their arts, inventions and improvements and obtain Letters Patent for the same, for the same amount of fees required of their own subjects? which fees have been reduced to a small sum to remove the former difficulty experienced by the poor inventor in consequence of the amount of fees required for the issue of Letters Patent being above their means.

The consequence of the former high fees for the granting of Patents was a loss to the country of many valuable and important inventions and improvements, and if the poor originator attempted to secure his invention for a term of years he was obliged to sacrifice the most of it to some one who had the means to meet the expense and thereby himself and family suffer the loss of his inheritance, (in one sense.)

Lord John Russell in his able speech on that subject (in 1851 I think) truly said that poverty or necessity was the mother of invention, and although an old saying, it is as true to-day as it ever was; consequently nine-tenths of all inventors are poverty poor and need protection for a time, that they may obtain some remuneration for their time and talent; but if the fees demanded for the same are above their means, they are debared the privilege, suffer individual loss, and the world often loses most valuable and important inventions and improvements.

Lord John in my opinion took a correct view of this subject when he recommended extending the invitation to all countries to come in and obtain exclusive rights for their arts and inventions for a term of years at the same rates required of their own subjects, and thereby secure to England the benefits which will undoubtedly arise therefrom. My views of inventive talents are such as to cause me to believe it to be equally the duty of every country to recognize, welcome and reward the same, come from where it may.

But, methinks I hear some saying that many countries, the United States especially, are demanding high fees of foreigners for exclusive rights, and if we make provisions in our patent

laws for aliens on the reciprocity principle, it will be honorable and all they can or ought to expect.

Granted, but, because they are blind to their own interests is that any excuse for us? Nay! rather let us be wise for ourselves and reap the benefit which will accrue therefrom.

But will the United States remain blind to their own interests on this subject because forsooth they have been so heretofore? Surely not, for at this present Congress, their Commissioner of Patents has in his report recommended among others, a reform in this same thing.

The fifth section of the bill of proposed reforms reads thus: "*And be it further enacted:* That the right to apply for any patent, design or re-issue shall be enjoyed equally by citizens and aliens, and the fees required of aliens shall be the same as required of the citizens of the United States?"—and those reforms are likely to pass this present session. One of their prominent men speaks upon this subject in the following manner:—"The fifth section of this act reduces the patent fees to foreigners, and invites the people of all nations to visit our shores and spread abroad among our millions a full knowledge of their new arts and inventions. We shall not waste words in refuting the selfish doctrines of exclusionists (bad doctrine that) who seek to drive strangers away and inoculate our patent system with sprouts of Chinese or Japanese eccentricities. Inventions are but the representatives of knowledge. Does the poor scholar stand less chance of education to-day than fifty years ago because schools and colleges have increased in number? Does the poor inventor stand less chance of success to-day in consequence of the great number of existing patents than he did fifty years ago when patents were uncommon? Certainly not. On the contrary our own positive knowledge leads us to assert that an increase of inventions has always tended to the direct benefit of inventors. Away then with all restrictions that tend to prevent our country from becoming the great depository of knowledge and art."

So say I: Let us avoid, in creating new patent laws, all restrictions that will tend to prevent our own Canada from reaping the advantages which may arise from the introduction of foreign arts and inventions. Canada is blessed with natural advantages which will require and support as it becomes more numerously settled all the various inventions and improvements in the arts, sciences and mechanics, come from where they may. We need not fear of being over-stocked with the like, for they will not be introduced any faster than our country demands them.

Inventors of other countries will not bring their inventions to us unless our country requires them and thereby ensure success to them for so doing; nor would it be of any consequence to make the attempt to protect our own subjects against foreign inventions and improvements by high fees or otherwise, for if the inventions and improvements of our own country are not practical and worthy, our people will cross over to our neighbors and there supply themselves with that which will be practical and answer their various purposes, as they now already do. Finally, will our law-makers in their wisdom permit Canada to be behind all the rest of the world in this matter? My humble advice to them is, that they fully consider the subject in all its bearings before passing any laws touching the same, and if possible consummate and pass a full code this session for the benefit of the country, and those who may be entitled to grants therefrom.

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